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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,937	07/09/2001	Reiner Doerfler	449122006000	1498

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EXAMINER

GREGORY, BERNARR E

ART UNIT PAPER NUMBER

3662

DATE MAILED: 01/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,937

Applicant(s)

DOERFLER, REINER

Examiner

Bernarr E. Gregory

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: .

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In independent claim 1, "the monopulse method" lacks antecedent basis.

In claim 1, the use of "the monopulse method" makes the claim indefinite and unclear in that the claim fails to set forth clearly and definitely what the method is, what its steps are, and whether the use of the term in context means that the entire radar in view is a monopulse radar.

On line 2 of claim 1, the phrase "three transmitting and receiving devices" is indefinite and unclear in context as to whether it means three transmitters and three receivers, three transceivers, two transmitters and one receiver, or one transmitter and two receivers. This lack of clarity arises since the number "three" modifies the noun "devices" and both the transmitters and the receivers are devices. Similarly, on line 5 of claim 1, the phrase "two adjacent transmitting and receiving devices" is indefinite and unclear in context. Also, the uses of the phrase "one pair of adjacent transmitting and receiving devices" in claim 2; of the phrase "two transmitting and receiving devices" in claim 3; and of the phrase "two transmitting and receiving devices" in claim 5 are similarly indefinite and unclear in context.

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Throughout claims 1-5, the uses of the terms “activating”; “deactivating”; “operated”; “activated”; and “activation” are indefinite and unclear in context in that it is unclear if they refer to the powering up or down of an entire radar unit or merely of the moment of transmitting or receiving a pulse or other signal in a radar that is already powered up.

In claims 1 and 4, the uses of “the echo signals” lack antecedent basis.

On line 2 of claim 5, “the intensities” lacks antecedent basis.

On lines 2-3 of claim 5, the phrase “the intensities of the at least two transmitting and receiving devices” is indefinite and unclear in context in that it states that the “devices” per se have intensities, which is plainly incorrect.

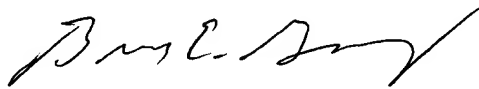
Dependent claims 2-5 are unclear in that they depend from unclear independent claim 1.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The examiner-cited art herewith is cited as of general interest in that each shows the use of plural radar transmitters and plural radar receivers with a vehicle; however, none of them appear to use monopulse processing or to be a monopulse radar.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr Gregory whose telephone number is (703) 306-5765. The Art Unit FAX number is (703) 305-7687.



Bernarr E. Gregory
Primary Examiner
Art Unit 3662

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January 5, 2002